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10/088,698	03/18/2002	Paolo Cittadini	6502-1521	2352

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EXAMINER
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STRIMBU, GREGORY J

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 10/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/088,698

Applicant(s)

CITTADINI ET AL.

Examiner

Gregory J. Strimbu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 10-17 is/are rejected.
- 7) ☒ Claim(s) 5-9, 18 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because "with magnetic closure" on line 1 is confusing since it is unclear what the applicant is attempting to set forth. Is the applicant referring to a magnetic door or a characteristic of the gasket? Recitations such as "is provided" on line 1 should be avoided since they can be easily implied. Recitations such as "presenting" on line 3 are confusing since it is unclear how magnetized element can "present" a surface. Is the applicant setting forth that the magnetized element has a surface? Recitations such as "magnetised" on line 2 are misspelled. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities: recitations such as "realise" on line 4 of page 1 are misspelled.

Appropriate correction is required.

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. It is suggested that the

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applicant delete "Particularly for . . . and the Like" and "for its Realisation" and amend the title to include pair of longitudinal magnetized bands. See claim 1.

### ***Claim Objections***

Claims 5-9, 18 and 19 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from another multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 5-9, 18 and 19 have not been further treated on the merits.

### ***Claim Rejections - 35 USC § 112***

Claims 1-4 and 10-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "with magnetic closure" on line 1 of claim 1 render the claims indefinite because it is unclear what the applicant is attempting to set forth. What comprises magnetic closure? Recitations such as "door wings, doors" on line 1 of claim 1 render the claims indefinite because it is unclear how door wings and door differ. Recitations such as "the like" on line 2 of claim 1 render the claims indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d). Recitations such as "it" on line 4 of claim 1 render the claims indefinite because it is unclear which element of the invention the applicant is referring to. It is

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suggested that the applicant replace recitations such as "it" with the specific name of the element the applicant is referring to. Recitations such as "to realise the closure" on line 5 of claim 1 render the claims indefinite because it is unclear what the applicant is attempting to set forth. Additionally, recitations such as "realise" on line 5 of claim 1 are misspelled. Recitations such as "presenting" on line 7 of claim 1 render the claims indefinite because it is unclear what the applicant is attempting to set forth. Recitations such as "in correspondence with each cross section" on lines 9-10 of claim 1 render the claims indefinite because it is unclear what the applicant is attempting to set forth. Recitations such as "said pair of segments" on line 13 of claim 1 render the claims indefinite because it is unclear which one of the plurality of pairs of segments the applicant is referring to. Recitations such as "preferably" on line 2 of claim 10 render the claims indefinite because it is unclear if the applicant is claiming a characteristic of the invention or merely setting forth a preference. Recitations such as "of the type described in one or more of the previous claims" on lines 2-3 of claim 10 render the claims indefinite because it is unclear what the applicant is attempting to set forth.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1, 3, 4 and 13-15, as best understood by the examiner, are rejected under 35 U.S.C. 102(b) as being anticipated by Foley. Foley discloses a sealing gasket 8 with a magnetic closure particular for doors comprising a supporting section bar comprising an attachment base 13 and a rabbet portion 9, 10 presenting a striking face set for come to rest against a surface with which it is to realize the closure, and a magnetized element 17, 18 inserted in the rabbet portion of the supporting section bar and presenting on a main face corresponding to the striking face at least for a pre-fixed portion of the longitudinal extension of the element itself, at least a pair of magnetized longitudinal bands with opposite polarity in correspondence with each cross section, characterized in that each of the magnetized longitudinal bands comprises at least a pair of segments substantially of equal or similar lengths, the pair of segments presenting magnetic charges of homogeneous polarity in each segment and of opposite polarity with respect to that of the other segment, each segment of each longitudinal band being laterally flanked and being longitudinally adjacent to a segment of opposite polarity.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claim 2, as best understood by the examiner, is rejected under 35 U.S.C. 103(a) as being unpatentable over Foley as applied to claims 1, 3, 4 and 13-15 above, and further in view of European Patent Application No. 0 559 267. European Patent Application No. 0 559 267 discloses a gasket 10 having a substantially right triangle profile.

It would have been obvious to one of ordinary skill in the art to provide Foley with a right triangle profile, as taught by European Patent Application No. 0 559 267, to enable the gasket to more efficiently seal the corner defined between the door and the door frame.

Claims 10-12, as best understood by the examiner, are rejected under 35 U.S.C. 103(a) as being unpatentable over Foley as applied to claims 1, 3, 4 and 13-15 above. Although Foley is silent concerning the particular method of manufacturing the gasket, making the gasket of Foley would inherently lead to the method steps set forth in claims 10-12.

Claims 16 and 17, as best understood by the examiner, are rejected under 35 U.S.C. 103(a) as being unpatentable over Foley as applied to claims 1, 3, 4 and 13-15 above, and further in view of Hill et al. Hill et al. discloses a magnetized element comprising a plastic material having particles of material able to be magnetized.

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It would have been obvious to one of ordinary skill in the art to provide Foley, with a construction, as taught by Hill et al., to reduce the cost of manufacturing the element.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wurtz, Ellis, Baermann '515, Kaiserswerth, Roode, Tenhundfeld et al., Banicevic et al., Jeziorowski et al. and Kiel are cited for disclosing a magnetic seal.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 703-305-3979. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.



Gregory J. Strimbu

Primary Examiner

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September 29, 2003